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SDMS DocID 559085

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March 6, 1990

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER: 559085

United States Environmental
Protection Agency
Mr. Steven J. Calder, Waste
Management Division
J.F. Kennedy Federal Building, HSN-CAN5
Boston, Massachusetts 02203

Re: Notice of Potential Liability At Coakley Landfill,
North Hampton and Greenland, New Hampshire

Dear Mr. Calder:

Please be advised that this firm represents Ben's Auto Body, Inc. of 11 Mirona Road, Portsmouth, New Hampshire 03801. Henry W. Berounsky, President of Ben's Auto Body, Inc. has requested that this office respond to your inquiry of February 2, 1990 relative to the Coakley Landfill, North Hampton and Greenland, New Hampshire (hereinafter referred to as the "Site"). Please let this serve as the response of Ben's Auto Body, Inc. to the Notice of Potential Liability at Coakley Landfill, North Hampton and Greenland, New Hampshire.

Pursuant to Attachment A of said Notice of Potential Liability, the following constitutes the information requested pursuant to Paragraphs 1 through 3:

Paragraph 1.a. Relative to the period of 1972 through 1985, paint solvents utilized by the operation were segregated from all other wastes, reclaimed and recycled. Heavy residue was properly disposed of on the premises. Permanent anti-freeze was reclaimed, recycled and reused. All other materials such as floor sweepings, masking paper and cardboard containers were collected by the City of Portsmouth.

To the best of the knowledge and belief of Ben's Auto Body, Inc., no hazardous wastes or substances, as those terms are defined in New Hampshire R.S.A. 147-A:2 (VII) and in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14),

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pollutant or contaminant as defined in Section 104(a)(2) of CERCLA, 42 U.S.C. 9604(a)(2), solid waste or hazardous waste as defined in Section 1004(5) and Section 1004(27) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. '6903(5) and '6903(27), contaminant as defined in Section 1401(6) of the Safe Drinking Water Act, 42 U.S.C. '300f(6), or pollutant as that term is used in Section 301 of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. '1311, and as that term is defined in Section 502(6) of that Act, 33 U.S.C. '1362(6), have been accepted at any time whatsoever by Ben's Auto Body, Inc. for transportation to the Site, nor were such substances or materials at any time actually transported to the Site by Ben's Auto Body, Inc.

Paragraph 1.b. Subject to the Answer referenced in Paragraph 1.a. above, prior to August 6, 1982, all non-hazardous materials were disposed of by Ben's Auto Body, Inc. utilizing a twenty (20) yard refuse packer mounted on an International truck. Said non-hazardous materials were disposed of at "the Site."

After August 5, 1982, all non-hazardous materials were collected by the City of Portsmouth.

At no time whatsoever has Ben's Auto Body, Inc. generated, used, purchased, treated, stored, disposed of or otherwise handled hazardous materials at or transported hazardous materials to the Site.

Paragraph 1.c. Enclosed please find the following:

(i) Document labeled "WEIGHED ON A FAIRBANKS SCALE" dated August 5, 1982;

(ii) Document labeled "WEIGHED ON A FAIRBANKS SCALE" dated September 2, 1982;

(iii) Document labeled "WEIGHED ON A FAIRBANKS SCALE" dated October 26, 1982;

(iv) Document labeled "Portsmouth Energy Recovery" dated May 18, 1984;

(v) Document labeled "Portsmouth Energy Recovery" dated July 9, 1984;

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Protection Agency
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(vi) Document labeled "Portsmouth Energy Recovery" dated September 21, 1984;

(vii) Document labeled "Portsmouth Energy Recovery" dated November 16, 1984;

(viii) Document labeled "Portsmouth Energy Recovery" dated December 20, 1984;

(ix) Document labeled "Portsmouth Energy Recovery" dated February 11, 1985;

(x) Document labeled "Portsmouth Energy Recovery" dated April 12, 1985.

Upon information and belief, there are no other persons able to provide a more detailed or complete response to this Request beyond those specifically referenced in Ben's Auto Body, Inc. response to the request of the United States Environmental Protection Agency for information pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Site.

Paragraph 2. Upon information and belief, Ben's Auto Body, Inc. is unaware of the disposal of any industrial waste or liquid waste at the Site after or before regular business hours.

Henry W. Berounsky, President, Sophie P. Berounsky, Comptroller, David P. Gallagher, Office Manager, James L. Martin and Richard K. Tewksbury are the only persons who, upon information and belief, may have knowledge or information regarding the disposal or other handling, during regular business hours, of non-hazardous materials at, or transportation of non-hazardous materials to the Site.

Paragraph 3. In addition to the disposal of non-hazardous materials by employees of Ben's Auto Body, Inc. prior to August 6, 1982, the only remaining entity which transported for disposal non-hazardous materials generated by Ben's Auto Body, Inc. is believed to be the City of Portsmouth.

Upon information and belief, the above information provided pursuant to your correspondence of February 2, 1990 constitutes the extent of the Respondent's knowledge with respect to the Coakley Landfill Site. Should you have any questions concerning this matter, please direct all correspondence and inquiries to this office.

Sincerely yours,


MICHAEL, JONES & WENSLEY

GDW/pjs
Enclosures
CC: Henry W. Berounsky, President
CC: Sophie P. Berounsky, Comptroller

WEIGHED ON A FAIRBANKS SCALE

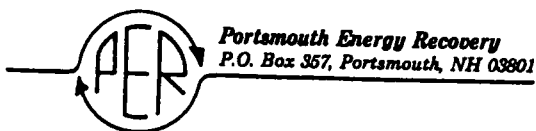
CUSTOMERS NAME BENS AUTO
 ADDRESS _____
 COMMODITY _____
 CARRIER BENS AUTO
 CONS NO _____ IDENT _____ DATE 8-5-82 TIME 10:55AM
 REMARKS 269 E
P# 41
23520 lb GROSS
19400 TARE - DRIVER ON _____
4120 NET @ _____ OFF _____
 PRICE _____
 SHIPPER _____
 WEIGHER _____
 FAIRBANKS SCALE CAT. 083930

WEIGHED ON A FAIRBANKS SCALE

DATE _____
 CUSTOMERS NAME Bens Auto Body 436-5844
 ADDRESS _____
 COMMODITY _____
 CARRIER 11 11 11
 CONS NO _____ IDENT _____ DATE 9-2-82 TIME 12:47PM
 REMARKS # 41
22240 lb GROSS
19400 lb TARE - DRIVER ON _____
2840 lb NET @ _____ OFF _____
 PRICE _____
 SHIPPER _____
 WEIGHER _____
 FAIRBANKS SCALE CAT. 083930

WEIGHED ON A FAIRBANKS SCALE

DATE _____
 CUSTOMERS NAME Bens Auto Body # 41
 ADDRESS _____
 COMMODITY _____
 CARRIER _____
 CONS NO _____ IDENT _____ DATE 10-26-82 TIME 1:26PM
 REMARKS _____
24420 lb GROSS
19400 lb TARE - DRIVER ON _____
 OFF _____



Customer's Name Ports Contract No. 9

Commodity _____

Carrier Ben's Auto Body Permit No. 41

Date

Time

Lic./I.D. No.

5-18-84

2:03PM

24260 lb

Gross

19400 lb

Tare

Driver

On

Off

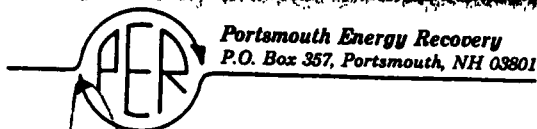
4860 lb

Net

Total Tons

Weighed on a Fairbanks Scale

Weigher



Customer's Name Ports Contract No. 9

Commodity _____

Carrier Ben's Auto Body Permit No. 41

Date

Time

Lic./I.D. No.

7-9-84

2:05PM

25440 lb

Gross

19400 lb

Tare

Driver

On

Off

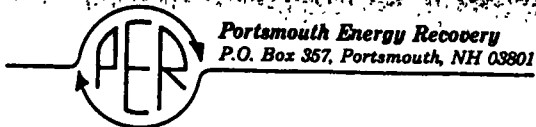
6040 lb

Net

Total Tons

Weighed on a Fairbanks Scale

Weigher



Customer's Name Ports Contract No. 9

Commodity _____

Carrier Ben's Auto Body Permit No. 41

Date

Time

Lic./I.D. No.

9-21-84

10:28AM

24120 lb

Gross

19400 lb

Tare

Driver

On

Off



Customer's Name Ports. Contract No. 9

Commodity _____

Carrier Bens Auto Permit No. 41

Date _____ Time _____

11-16-84 3:11 PM

25340 lb Gross
19400 lb Tare Driver { On _____
5940 lb Net Off _____
Total Tons _____

Weighed on a Fairbanks Scale

Weigher _____



Customer's Name Ports. Contract No. 9

Commodity _____

Carrier Bens Auto Permit No. 41

Date _____ Time _____

12-20-84 2:37 PM

23240 lb Gross
19400 lb Tare Driver { On _____
3840 lb Net Off _____
Total Tons _____

Weighed on a Fairbanks Scale

Weigher _____



Customer's Name Portsmouth Contract No. 9

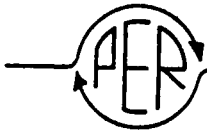
Commodity _____

Carrier Bens Auto Permit No. 41

Date _____ Time _____

2-11-85 2:16 PM

22980 lb Gross
19400 lb Tare Driver { On _____
3580 lb Net Off _____



Portsmouth Energy Recovery
P.O. Box 357, Portsmouth, NH 03801

Customer's Name

Portsmouth

Contract No.

9

Commodity

Carrier

Date

Time

Bens Auto

Permit No.

41

Lic./I.D. No.

4-12-85

1:44 pm

25420

Gross

19400

Tare

Driver { On
Off

6020

Net

Total Tons

Weighed on a Fairbanks Scale

Weigher

Cheryl B